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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 03-258
Table of Allotments,) RM-10833
FM Broadcast Stations.)
(Newcastle and Pine Haven, Wyoming))

TO: Marlene H. Dortch, Secretary
For transmission to:
John A. Karousos
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau

COUNTERPROPOSAL OF TRACY BROADCASTING CORPORATION

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February 17, 2004

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List ABCDE

1. Tracy Broadcasting Corporation ("Tracy") hereby submits this Counterproposal in response to the Notice of Proposed Rule Making ("*NPRM*"). DA 03-4035, released December 23, 2003, in the above-captioned proceeding. Tracy proposes the reallocation of Channel 225 – downgraded from Class C to Class C2 – from Scottsbluff, Nebraska, to Warren AFB, Wyoming.¹ That reallocation would be mutually exclusive with the allotment proposed in the instant proceeding for Newcastle, Wyoming. Tracy also proposes the substitution of Channel 226C1 for Channel 239C3 at Gering, which substitution would be made possible by the reallocation of Channel 225 from Scottsbluff. In addition, Tracy proposes certain modifications of the Table of Allotments, as reflected on below, to accommodate the proposed changes:

Community	Channels		
	<i>Present</i>	<i>Proposed In NPRM</i>	<i>Counterproposal</i>
Scottsbluff, NE	225C, 231C1	-----	231C1
Gering, NE	239C3	-----	226C1
Warren AFB, WY	-----	-----	225C2
Centennial, WY	224A	-----	228A
Casper, WY	228C1, 233C, 238C, 244C2, 273C, 279C, 284C1, 295C	-----	222C1 , 233C, 238C, 244C2, 273C, 279C, 284C1, 295C
Wright, WY	224A, 268C, 287A	-----	259A , 268C, 287A
Pine Haven, WY	259A	260A	260A or 272A
Newcastle, WY	258A	258C0	222A or 222C0
Rapid City, SD	222C1, 230C1, 250C, 254C1, 262C1, 281C1, 292C	-----	258C1 , 230C1, 250C, 254C1, 262C1, 281C1, 292C
Douglas, WY	223C1, 257A, 265A	-----	224C1 , 257A, 265A
Kaycee, WY	222C1	-----	247C1

¹ Channel 225C at Scottsbluff is presently utilized by Station KMOR(FM), of which Tracy is the licensee.

Preliminary Matters

2. The instant counterproposal proposes changes in the operating channels currently utilized by four stations: Station KMOR(FM), Scottsbluff, Nebraska; KOZY-FM, Gering, Nebraska; KRKI(FM), Newcastle, Wyoming; and KQRQ(FM), Rapid City, South Dakota. In addition, the counterproposal proposes changes in a number of vacant allotments. Tracy hereby states that, to the extent mandated by applicable Commission rules and policies, it will reimburse the licensees of all of the affected stations for the changes required to be made to their facilities.²

3. The Commission has stated that it will not require substitutions of more than two channels occupied by existing stations. *Columbus, Nebraska*, 59 R.R.2d 1185 (1986). Here, while four channels currently occupied by existing stations would be subject to substitution, two of those affected stations – Stations KMOR(FM) and KOZY-FM – are licensed to Tracy, which, as the counterproponent herein, obviously consents to the proposed substitution. Accordingly, this counterproposal complies with the *Columbus* policy. *See also Castle Rock, Colorado, et al.*, 8 FCC Rcd 4475 (1993); *Farmersville, Texas*, 12 FCC Rcd 4099 (1997), *recon. dismissed*, 12 FCC Rcd 12056 (1997).

Conflict with the *NPRM*.

4. The *NPRM* proposes the substitution of Channel 258C0 for Channel 258A at Newcastle, Wyoming, and, to accommodate that substitution, the further substitution of Channel 260A for vacant Channel 259A at Pine Haven, Wyoming. The instant Counterproposal is in conflict with the Newcastle/Pine Haven proposal as demonstrated below and in the Accompanying Engineering Statement. However, no comparison of the relative need for the

² Reimbursement will be made directly by Tracy. As the ultimate beneficiary of the channel changes proposed herein, Tracy will be responsible for all reimbursements.

channels as among those communities is necessary, since Tracy is also proposing the allotment of either Channel 260A (as proposed in the *NPRM*) or Channel 272A at Pine Haven and either Channel 222A or 222C0 at Newcastle. As a result, channel allotments equivalent to those proposed in the *NPRM* for both Newcastle and Pine Haven can be accommodated, while Tracy would be permitted to relocate Station KMOR(FM) and upgrade the facilities of KOZY-FM, thereby expanding the service of both stations.

Public Interest Considerations

5. The counterproposal would enable Tracy to serve an additional 93,750 people through the proposed relocation of Station KMOR(FM), resulting in a total population in the station's 60 dBu contour of 150,780, almost triple the number (57,030) of persons currently receiving such service from the station. Moreover, allotment of the station to Warren AFB would provide a first local service to that community. The proposed upgrade of the facilities of Station KOZY-FM would nearly double the audience in that station's 60 dBu service area, increasing it from 35,750 persons to 61,700. These substantial increases in service can be achieved while still permitting adjustments to the Newcastle and Pine Haven allotments which would result in the service gains described in the *NPRM*. Clearly, these considerations demonstrate that Tracy's counterproposal would increase the efficient use of the radiospectrum by bringing new service to a substantial population.

Compliance with the Commission's Technical Rules

Warren AFB, Wyoming

6. Tracy proposes the reallocation of Channel 225 – downgraded from Class C to Class C2 – from Scottsbluff to the Francis E. Warren Air Force Base ("Warren AFB") in

Wyoming.³ Warren AFB was first established as an Army cavalry post in 1867. The 20th Air Force (which is the headquarters for the United States' intercontinental ballistic missile wings) and the 90th Space Wing of the U.S. Air Force are located there. Warren AFB is a census designated place with a population of 4,440, according to the 2000 U.S. Census. The 90th Space Wing employs approximately 3,650 military personnel and 600 civilian employees. Family members of assigned military personnel add another 3,500 to the local population. In addition, approximately 1,500 military retirees reside in the area.

7. Warren AFB has a post office with an associated Zip Code (82005). In addition to the base commissary and base exchange, which offer an extensive range of groceries, baked goods and retail products, Warren AFB provides a wide variety of facilities for its residents. These include an aquatic center, auto skills center, bowling center, child development center, dining facility, golf club, teen center, veterinary services and multiple fitness and sports facilities. Several restaurants are available on the grounds of Warren AFB, as is a gas station/convenience store. The community has a public library containing approximately 40,000 volumes and at least one church. Warren AFB is the site of the F.E. Warren AFB Intercontinental Ballistic Missile and Heritage Museum. Warren AFB was placed on the National Register of Historic Places in 1975. A weekly newspaper, the Warren Sentinel, is published and distributed on the base.

8. Clearly, Warren AFB can and should be treated as a "community" deserving of a local FM channel allotment. The proposed allotment of Channel 225C2 to Warren AFB would

³ The Commission has repeatedly held that military installations may serve as communities of allotment. *E.g., Fort Rucker and Geneva, Alabama, and Blakely, Georgia*, 5 FCC Rcd 37 (Allocations Branch 1990); *Johannesburg and Edwards, California*, 14 FCC Rcd 9557 (Allocations Branch 1999).

provide it with its first local radio service. Moreover, the removal of the channel from Scottsbluff would not adversely affect that community, as it would retain at least four local radio stations (*i.e.*, KOLT(AM), KNEB-AM-FM, and KLJV(FM)). Thus, the addition of this allotment at Warren AFB will promote the objectives of Section 307(b) of the Communications Act by seeking to achieve a fair, efficient and equitable distribution of broadcast stations among the various states and communities. 47 U.S.C. § 307(b).

9. Channel 225C2 can be reallocated to Warren AFB consistently with the Commission's spacing requirements, except for the current allotment of Channel 224A at Centennial. *See* Engineering Statement, Figure 3. As noted above, the allotment to Warren AFB would provide that community with its first local FM station, a factor which is considered as part of the allotment criteria set forth in *Revision of FM Assignment Policies and Procedures ("FM Assignment Policies")*, 90 FCC2d 88 (1982). Should the Commission allot Channel 225C2 to Warren AFB, Tracy intends to file an application for modification of the facilities of Station KMOR(FM) specifying use of that channel and, if that application is granted, Tracy intends to implement that modification.

Gering, Nebraska

10. Tracy proposes the substitution of Channel 226C1 for Channel 239C3 at Gering, Nebraska, and the modification of the facilities of Station KOZY-FM to specify operation on the substituted Channel 226C1. That substitution, which would be precluded by the current allotment of Channel 225C to Scottsbluff, would be made possible by the relocation and downgrading of Channel 225 to Warren AFB as a Class C2 channel, as proposed herein. As indicated above, Tracy is the licensee of Station KOZY-FM.

Centennial, Wyoming

11. Allotment of Channel 225C2 to Warren AFB would conflict with the current vacant allotment of Channel 224A, Centennial, Wyoming. That conflict can be remedied by substituting Channel 228A for Channel 224A at Centennial. As set forth in Figure 4 of the Engineering Statement, that channel substitution may be effected consistently with the Commission's spacing requirements.

Casper, Wyoming

12. The substitution of Channel 228A at Centennial would conflict with the vacant Channel 228C1 allotment at Casper, Wyoming. That conflict can be remedied by substituting Channel 222C1 for Channel 228C1 at Casper. As demonstrated in Figure 5 to the Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements, using a new reference point. *See* Engineering Statement.

Douglas, Wyoming

13. The substitution of Channel 222C1 at Casper would conflict with the existing vacant allotment of Channel 223C1, Douglas, Wyoming. That conflict can be remedied by substituting Channel 224C1 for 223C1 at Douglas. As demonstrated in Figure 10 to the Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements, using a new reference point for the Douglas allotment.

Wright, Wyoming

14. The substitution of Channel 224C1 at Douglas would conflict with the existing vacant allotment of Channel 224A, Wright, Wyoming. That conflict can be remedied by substituting Channel 259A for Channel 224A at Wright. As demonstrated in Figure 6 to the

Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements.

Pine Haven, Wyoming

15. The substitution of Channel 259A at Wright would conflict with the current allotment of Channel 259A at Pine Haven, Wyoming. That conflict can be remedied by substituting either Channel 260A or Channel 272A for Channel 259A at Pine Haven. The substitution of Channel 260A has been proposed in the NPRM, and is therefore presumably consistent with the Commission's spacing requirements. As demonstrated in Figure 7 to the Engineering Statement, the allotment of Channel 272A at Pine Haven can also be accomplished consistently with the Commission's spacing requirements, using a new reference point.

Newcastle, Wyoming

16. The substitution of Channel 259A at Wright would conflict with the proposed allotment of Channel 258C0 at Newcastle, Wyoming. Existing Channel 258A at Newcastle is occupied by Station KRKI, which would also utilize the proposed upgraded channel. That conflict can be remedied by substituting Channel 222C0 for proposed Channel 258C0 at Newcastle. As demonstrated in Figure 8-A to the Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements, using the Newcastle reference point specified in the NPRM.

Rapid City, South Dakota

17. The substitution of Channel 222C0 at Newcastle would conflict with the allotment of Channel 222C1 at Rapid City, South Dakota, which is occupied by Station KQRQ(FM). That conflict can be remedied by substituting Channel 258C1 for

Channel 222C1 at Rapid City. As demonstrated in Figure 9 to the Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements, using as the reference point the licensed site of Station KQRQ(FM).

Kaycee, Wyoming


18. The substitution of Channel 222C1 at Casper would also conflict with the existing vacant Channel 222C1 allotment at Kaycee, Wyoming. That conflict can be remedied by substituting Channel 247C1 for Channel 222C1 at Kaycee. As demonstrated in Figure 11 to the Engineering Statement, that substitution can be accomplished consistently with the Commission's spacing requirements, using a new reference point.


WHEREFORE, for the reasons stated, Tracy Broadcasting Corporation hereby proposes

that the FM Table of Allotments be modified as follows:

Community	Channels		
	<i>Present</i>	<i>Proposed In NPRM</i>	<i>Counterproposal</i>
Scottsbluff, NE	225C, 231C1	-----	
Gering	239C3	-----	226C1
Warren AFB, WY	-----	-----	225C2
Centennial, WY	224A	-----	228A
Casper, WY	228C1, 233C, 238C, 244C2, 273C, 279C, 284C1, 295C	-----	222C1 , 233C, 238C, 244C2, 273C, 279C, 284C1, 295C
Wright, WY	224A, 268C, 287A	-----	259A , 268C, 287A
Pine Haven, WY	259A	260A	260A or 272A
Newcastle, WY	258A	258C0	222A or 222C0
Rapid City, SD	222C1, 230C1, 250C, 254C1, 262C1, 281C1, 292C	-----	258C1 , 230C1, 250C, 254C1, 262C1, 281C1, 292C
Douglas, WY	223C1, 257A, 265A	-----	224C1 , 257A, 265A
Kaycee, WY	222C1	-----	247C1

Respectfully submitted,


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 /s/ Harry F. Cole
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February 17, 2004

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ENGINEERING EXHIBIT EE-RM:

**COMMENTS AND COUNTERPROPOSAL
MM DOCKET 03-258 - NEWCASTLE AND PINE HAVEN, WY**

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ADDITION OF
SUBSTITUTE Ch. 226C1 AT GERING, NE
MOVE Ch. 225C2 TO WARREN AFB, WY FROM SCOTTSBLUFF, NE
AND CHANGES IN TWO OTHER LICENSED FACILITIES**

FEBRUARY 17, 2004

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
TRACY BROADCASTING CORPORATION
LICENSEE OF KOZY & KMOR(FM)
GERING & SCOTTSBLUFF, NEBRASKA**

ENGINEERING EXHIBIT EE-RM:

**COMMENTS AND COUNTERPROPOSAL
MM DOCKET 03-258 - NEWCASTLE AND PINE HAVEN, WY**

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ADDITION OF
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MOVE Ch. 225C2 TO WARREN AFB, WY FROM SCOTTSBLUFF, NE
AND CHANGES IN TWO OTHER LICENSED FACILITIES**

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Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

The firm of Mullaney Engineering, Inc., has been requested by Tracy Broadcasting Corporation, to prepare the instant engineering exhibit in support of Comments and Counterproposal concerning a rule making petition to amend the FM Table of Allotments MM Docket 03-258 Newcastle and Pine Haven, WY.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

Executed on the 17th day of February 2004

ENGINEERING EXHIBIT EE-RM:

**COMMENTS AND COUNTERPROPOSAL
MM DOCKET 03-258 - NEWCASTLE AND PINE HAVEN, WY**

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ADDITION OF
SUBSTITUTE Ch. 226C1 AT GERING, NE
MOVE Ch. 225C2 TO WARREN AFB, WY FROM SCOTTSBLUFF, NE
AND CHANGES IN TWO OTHER LICENSED FACILITIES**

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Tracy Broadcasting Corporation ("TRACY"), licensee of Radio Station KMOR, at Scottsbluff, Nebraska and of Radio Station KOZY, at Gering, Nebraska. This engineering exhibit supports Comments and Counterproposal in response to a Notice of Proposed Rule Making (NPRM) in MM Docket 03-258 at Newcastle and Pine Haven, WY.

TRACY counterproposes an alternate channel (222C0) at Newcastle, WY, which thereby permits the allotment of a **first service** wherein KMOR is able to relocate its Ch. 225C facility from Scottsbluff, NE, to Warren AFB, WY on Ch. 225C2 and to modify the license of KMOR accordingly. In addition, it is also possible to upgrade KOZY from Ch. 239C3 to 226C1 at Gering, NE and to modify the license of KOZY accordingly. In order to accomplish this it is necessary to swap channels at two other existing facilities and at six vacant allotments.

The city of Scottsbluff, NE, will continue to be served by four aural services (two AM & two FM) and grant of this proposal will result in the **first aural service** to Warren AFB, WY (4,440 persons, 2000 Census).

KMOR wishes to point out that the new city of license it seeks is on its existing channel (225) with a proposed location which is less than the separation specified by Section 73.207 (249 km) and, thus, is mutually exclusive with its existing authorization in accordance with Section 1.420(i) of the rules.

The proposed reference point is not within 290 kilometers (180 miles) of a United States Border and, therefore, foreign concurrence is not required.

COUNTERPROPOSAL

For the purposes of this rule making the allotment of **Ch. 226C1** will rely upon the use of a special reference point located 29 km east-northeast of the **Gering, NE**.

N. Latitude: 41° 54' 26" NAD-27
W. Longitude: 103° 18' 44"

The proposed reference site will provide an unobstructed view of the city of license and is located close enough to serve the entire community with the required 3.16 mV/M or 70 dBu contour.

For the purposes of this rule making the allotment of **Ch. 225C2** will rely upon the use of a special reference point located 6 km south-southwest of the **Warren AFB, WY**.

N. Latitude: 41° 02' 38" NAD-27
W. Longitude: 104° 49' 36"

The proposed reference site will provide an unobstructed view of the city of license and is located close enough to serve the entire community with the

required 3.16 mV/M or 70 dBu contour.

Channel Allocation Studies

Figures 2 to 11 are channel studies demonstrating that the proposed use of the specified channel is in full compliance with the FCC's separation requirements. KMOR & KOZY both propose new transmitter sites. All other existing facilities rely on the licensed or proposed site of the affected station. The Vacant allotments rely on the city reference coordinates or a special reference point which is well within the reference city grade radius of its proposed class and has an unobstructed view of the city. The studies indicate the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From these studies it can be determined that proposed reference points exceed all of these minimum separations provided the additional swaps are implemented. The **reference coordinates** relied upon are tabulated in the upper left portion of each of the channel studies. It should be noted at Figures 1 & 8-B have been **intentionally omitted**.

Figure 2 demonstrates that the proposed substitution of Ch. 226C1 from the special reference coordinates for use by KOZY at Gering, NE, complies with the rules. The coordinates of the special reference point 29 km ENE of city are: **41-54-26 / 103-18-44**. This proposal requires the substitution of Ch. 225C2 for 225C and a reallocation from Scottsbluff, NE to Warren AFB, WY.

Figure 3 demonstrates that the proposed use of Ch. 225C2 from the special reference coordinates for use by KMOR at Warren AFB, WY, complies with the rules. The coordinates of the special reference point 6 km SSW of city are: **41-02-38 / 104-49-36**. This proposal requires the substitution of the vacant allotment on Ch. 224A at Centennial, WY. The study indicates that the proposed site at Warren AFB is below the required separation to the license of KMOR (as required by Section 1.420(i)) and requires the deletion of the Scottsbluff, NE,

facility.

Figure 4 demonstrates that the proposed substitution of Ch. 228A from the city reference coordinates for Centennial, WY, complies with the rules. The coordinates of the city reference point are: **41-17-54 / 106-08-28**. This proposal requires the substitution of the vacant allotment on Ch. 228C1 at Casper, WY.

Figure 5 demonstrates that the proposed substitution of Ch. 222C1 from the special reference coordinates for use by the vacant allotment at Casper, WY, complies with the rules. The coordinates of the special reference point 15 km SW of city are: **42-44-30 / 106-33-00**. This proposal requires the substitution of the vacant allotments on Ch. 222C1 at Kaycee, WY and on Ch. 223C1 at Douglas, WY.

Figure 6 demonstrates that the proposed use of Ch. 259A from the city reference point for use by the vacant allotment at Wright, WY, complies with the rules. The coordinates of the city reference point are: **43-44-49 / 105-28-12**. This proposal is in **conflict with the NPRM 03-258** involving the existing vacant allotment on 259A at Pine Haven and the proposal by KRKI to upgrade to 258C0 at Newcastle, WY.

Tracy has no direct objection to the NPRM proposal to substitute 260A at Pine Haven. However, should that develop a conflict, Tracy has determined that Ch. 272A also works at Pine Haven. Tracy has determined that 222C0 will work as an alternate channel for use by KRKI at its desired C0 reference point at Newcastle..

Figure 7 demonstrates that the proposed use of Ch. 272A from a special reference point at Pine Haven, WY, complies with the rules. The coordinates of the special reference point 6 km SW of city are: **44-19-35 / 104-52-26**.

Figure 8-A demonstrates that the proposed use of Ch. 222A from the RM reference coordinates (**Docket 03-258**) & licensed site of KRKI at Newcastle, WY, complies with the rules. The coordinates of the licensed Class A site are: **43-49-57 / 104-13-08**. This Class A proposal requires the substitution of the operation of KQRQ on 222C1 at Rapid City, SD. Similarly **Figure 8-C** demonstrates that Ch. 222C0 also complies with the rules using the RM reference point of the C0 proposal. The coordinates of the proposed C0 site are: **43-52-10 / 103-45-04**. This C0 proposal requires the substitution of the operation of KQRQ on 222C1 at Rapid City, SD and of the vacant allotment on Ch. 223C1 at Douglas, WY.

Figure 9 demonstrates that the proposed use of Ch. 258C1 from the licensed site of KQRQ at Rapid City, SD, complies with the rules. The coordinates of the KQRQ license site are: **44-04-07 / 103-15-02**. This proposal is in **conflict with the NPRM 03-258** involving the existing vacant allotment on 259A at Pine Haven and the proposal by KRKI to upgrade to 258C0 at Newcastle, WY.

Figure 10 demonstrates that the proposed substitution of Ch. 224C1 from a special reference coordinates for use by the vacant allotment at Douglas, WY, complies with the rules. The coordinates of the special reference point 13 km NE of city are: **42-48-00 / 105-15-00**. This proposal requires the substitution of the vacant allotments on Ch. 224A at Wright, WY and on Ch. 224A at Centennial, WY. In addition, it is in conflict with the licensed operation of KMOR on 225C1 at Scottsbluff, NE.

Figure 11 demonstrates that the proposed substitution of Ch. 247C1 from the city reference coordinates for use by the vacant allotment at Kaycee, WY, complies with the rules. The coordinates of the city reference point are: **43-42-37 / 106-38-18**.

Public Interest Showing

The counterproposal submitted herein suggests **alternate equivalent channels** for both Newcastle & Pine Haven, WY, and while also creating a new first service at Warren AFB, WY and the upgrade to C1 facilities at Gering, NE. Thus, this counterproposal as such is a win-win situation for everyone since all parties to the proceeding get channels equivalent to what they have requested. All of the populations provided herein are based upon a computer analysis of the 2000 Census.

The upgrade of KOZY from 239C3 to 226C1 at **Gering**, NE, has the potential for 60 dBu service to 61,700 persons. KOZY presently serves 35,750 persons and thus, this represents a gain of 25,950 persons. The C1 upgrade totally encompasses all of the existing service provided by the C3 facility.

The relocation of KMOR to **Warren AFB**, WY and its proposed operation on 225C2 has the potential to provide 60 dBu service to 150,780 persons. KMOR presently serves 57,030 persons and thus, this represents a gain of 93,750 persons. This is also a first service to Warren AFB. The entire existing service area of KMOR remains well served with four or more services.

TRACY has presented a plan which is a more efficient use of the limited frequency spectrum in & around Nebraska and Wyoming. All parties to the proceeding get channels equivalent to what they have requested

Based upon the above information, TRACY believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest.

SUMMARY

Tracy Broadcasting Corporation, licensee of Radio Station KMOR, at Scottsbluff, Nebraska and of KOZY at Gering, Nebraska, requests that the FM Table of Allotments be amended as presented herein. TRACY counterproposes Docket **03-258** with an alternate channel at Newcastle, WY, which thereby permits the allotment of a first service by KMOR with the proposed to relocate its facility from Scottsbluff, NE to Warren AFB, WY and to modify the license of KMOR accordingly. In addition, it will also permit KOZY to increase its station from C3 to C1 facilities. In order to accomplish this it is necessary to swap channels at several other cities.

TRACY requests that the Commission's FM Table of Allotments be revised as follows:

Community	Present	Proposed in NPRM	Counterproposal
Gering, NE - KOZY	239C3	--	226C1
Scottsbluff, NE - KMOR	225C	--	Deletion
Warren AFB, WY - KMOR	--	--	225C2
Centennial, WY - Vacant	224A	--	228A
Casper, WY - Vacant	228C1	--	222C1
Wright, WY - Vacant	224A	--	259A
Pine Haven, WY - Vacant	259A	260A	260A or 272A
Newcastle, WY - KRKI	258A	258C0	222A or 222C0
Rapid City, SD - KQRQ	222C1	--	258C1
Douglas, WY - Vacant	223C1	--	224C1
Kaycee, WY - Vacant	222C1	--	247C1

Based upon the information presented herein, TRACY believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest. If granted, KMOR & KOZY will quickly file applications for construction permit and agree to reimburse all reasonable expenses of KQRQ at Rapid City, SD and if required by the FCC rules to reimburse the reasonable expenses of KRKI at Newcastle, WY

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

February 17, 2004.

TRACY BROADCASTING CORPORATION COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE	CLASS = C1	DISPLAY DATES
41 54 26 N		DATA 02-12-04
103 18 44 W	Current Spacings	SEARCH 02-13-04
----- Channel 226 - 93.1 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin

FT02	226C1	Gering	NE 0.00	0.0	244.5	
KMOR	LIC 225C	Scottsbluff	NE 43.36	260.2	208.5	-165.14 FT-03
KRCS	LIC 226C	Sturgis	SD 270.09	356.2	269.5	0.59
FT03	225C2	Warren AFB	WY 158.73	233.2	157.5	1.23
KOZYFM	LIC 280C3	Gering	NE 33.00	261.7	23.5	9.50
KTCL	LIC-Z 227C	Fort Collins	CO 241.47	214.0	208.5	32.97
RDEL	DEL 227C	Fort Collins	CO 241.47	214.0	208.5	32.97
ALLO	VAC 228A	Pine Ridge	SD 138.18	26.4	74.5	63.68
RADD	ADD 229A	Cheyenne	WY 142.60	237.5	74.5	68.10

Substitute Ch. 225C2 for 225C1 at Scottsbluff, NE - using new site and request new city of license, South Greeley, WY.

Proposed Reference Site: 29 km ENE of City - for KOZY

CHANNEL 226C1 - KOZY - SUBSTITUTE - GERING, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 2
FEBRUARY 2004

TRACY BROADCASTING CORPORATION **COUNTERPROPOSAL - MB DOCKET 03-258**

REFERENCE	CLASS = C2	DISPLAY DATES
41 02 38 N		DATA 02-12-04
104 49 36 W	Current Spacings	SEARCH 02-13-04
----- Channel 225 - 92.9 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin	
FT03	225C2	Warren AFB	Wy 0.00	0.0	189.5		
KMOR	LIC 225C	Scottsbluff	NE 121.64	43.0	248.5	-126.86	SELF
ALLO	VAC 224A	Centennial	WY 102.92	287.6	105.5	-2.58	FT-04
RDEL	DEL 227C	Fort Collins	CO 105.40	183.4	104.5	0.90	
KTCL	LIC-Z 227C	Fort Collins	CO 105.40	183.4	104.5	0.90	
FT02	226C1	Gering	NE 158.73	52.2	157.5	1.23	
KSPZ	LIC 225C	Colorado Springs	CO 255.20	180.7	248.5	6.70	
KDJM	LIC-D 223C1	Broomfield	CO 105.40	183.4	78.5	26.90	
FT10	224C1	Douglas	WY 198.19	350.0	157.5	40.69	
FT04	228A	CENTENNIAL	WY 113.87	284.9	54.5	59.37	
RADD	ADD 227C0	Wheat Ridge	CO 154.47	189.5	88.5	65.97	

Substitute Ch. 228A for 224A at Centennial, WY - using city reference

Proposed Reference Site: 6 km SSW of City

This is a new City of License for KMOR

CHANNEL 225C2 - KMOR - MOVE TO - WARREN AFB, WY

TRACY BROADCASTING CORPORATION
 COUNTERPROPOSAL - MB DOCKET 03-258
 NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND

FIGURE 3
 FEBRUARY 2004

TRACY BROADCASTING CORPORATION **COUNTERPROPOSAL - MB DOCKET 03-258**

REFERENCE	CLASS = A	DISPLAY DATES
41 17 54 N		DATA 02-12-04
106 08 28 W	Current Spacings	SEARCH 02-13-04
----- Channel 228 - 93.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin	

FT04	228A	CENTENNIAL	WY 0.00	0.0	114.5		
ALLO	VAC 228C1	Casper	WY 167.51	353.3	199.5	-31.99	FT-05
RDEL	DEL 227C	Fort Collins	CO 169.70	141.6	164.5	5.20	
KTCL	LIC-Z 227C	Fort Collins	CO 169.70	141.6	164.5	5.20	
KRAIFM	LIC 229C1	Craig	CO 147.27	237.4	132.5	14.77	
ALLO	VAC 231C2	Walden	CO 73.03	204.2	54.5	18.53	
ALLO	VAC 230A	Rock River	WY 51.01	15.8	30.5	20.51	
RADD	ADD 229A	Cheyenne	WY 117.13	94.3	71.5	45.63	
RADD	ADD 227C0	Wheat Ridge	CO 200.10	154.3	151.5	48.60	
FT03	225C2	Warren AFB	WY 113.87	104.0	54.5	59.37	

Substitute Ch. 222C1 for 228C1 at Casper, WY - using existing reference site

Proposed Reference Site: Using City Reference Point

CHANNEL 228A - VAC - SUBSTITUTE - CENTENNIAL, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 4
FEBRUARY 2004

TRACY BROADCASTING CORPORATION COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE	CLASS = C1	DISPLAY DATES
42 44 30 N		DATA 02-12-04
106 33 00 W	Current Spacings	SEARCH 02-13-04
----- Channel 222 - 92.3 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT05	222C1	Casper	WY 0.00	0.0	244.5	
FT05R	222C1	Casper	WY 15.06	66.3	244.5	city
ALLO	VAC	222C1 Kaycee	WY 87.60	336.8	244.5	-156.90 FT-10
ALLO	VAC	223C1 Douglas	WY 120.29	93.2	176.5	-56.21 FT-11
FT08C0	222C0	NewcastleKRKI	WY 259.37	60.1	258.5	0.87
KDUW	LIC	219A Douglas	WY 99.41	89.4	74.5	24.91
FT10	224C1	Douglas	WY 106.60	86.1	81.5	25.10
FT08A	222A	NewcastleKRKI	WY 224.68	56.5	199.5	25.18
KDUW.C	CP	219A Douglas	WY 101.91	90.7	74.5	27.41
KLWD.C	CP	220C1 Gillette	WY 121.90	26.1	81.5	40.40
KIQZ	LIC	224A Rawlins	WY 121.82	207.9	74.5	47.32
KQRQ	LIC	222C1 Rapid City	SD 305.23	59.9	244.5	60.73
KFRZ	LIC	221C Green River	WY 269.40	240.0	208.5	60.90

Substitute Ch. 224C1 for 223C1 at Douglas, WY - using new reference site

Substitute Ch. 247C1 for 222C1 at Kaycee, WY - using city reference site

Proposed Reference Site: 15 km SW of City

CHANNEL 222C1 - VAC - SUBSTITUTE - CASPER, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 5
FEBRUARY 2004

TRACY BROADCASTING CORPORATION COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE	CLASS = A	DISPLAY DATES
43 44 49 N		DATA 02-12-04
105 28 12 W	Current Spacings	SEARCH 02-13-04
----- Channel 259 - 99.7 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin	

FT06	259A	Wright	WY 0.00	0.0	114.5		
ALLO	VAC	259A Pine Haven	WY 86.04	37.6	114.5	-28.46	FT-07 MX
RDEL	DEL	259A Pine Haven	WY 86.04	37.6	114.5	-28.46	
KRKI.A	APP	258C0 Newcastle	WY 138.98	83.8	151.5	-12.52	FT-08 MX
RADD	ADD	258C0 Newcastle	WY 138.98	83.8	151.5	-12.52	
ALLO	RSV	258C0 Newcastle	WY 138.98	83.8	151.5	-12.52	
RADD	ADD	260A Pine Haven	WY 86.04	37.6	71.5	14.54	OK
RDEL	DEL	258A Newcastle	WY 101.15	84.2	71.5	29.65	
KRKI	LIC	258A Newcastle	WY 101.15	84.2	71.5	29.65	OK
KYOD	LIC	261C1 Glendo	WY 110.34	169.5	74.5	35.84	
KYOD.A	APP	261C1 Glendo	WY 110.34	169.5	74.5	35.84	
KYPR	LIC	205A Gillette	WY 51.38	0.2	9.5	41.88	
FT09		258C1 Rapid City	SD 181.84	77.9	132.5	49.34	

Substitute Ch. 260A for 259A at Pine Haven, WY - using existing reference site

Substitute Ch. 222C0 for 258C0 at Newcastle, WY - using existing reference site

**Proposed Reference Site: Using City Reference Point
MX with NPRM 03-258**

CHANNEL 259A - VAC - SUBSTITUTE - WRIGHT, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 6
FEBRUARY 2004

TRACY BROADCASTING CORPORATION COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE		CLASS = A	DISPLAY DATES
44 19 35 N			DATA 02-12-04
104 52 26 W	Current	Spacings	SEARCH 02-13-04
----- Channel 272 - 102.3 MHz -----			

Call	Channel	Location		Dist	Azi	FCC	Margin

FT07	272A	Pine Haven	WY	0.00	0.0	114.5	
FT07R	272A	Pine Haven	WY	6.17	55.5	114.5	CITY
KFMH	LIC	271C3	Belle Fourche	SD	89.09	64.7	88.5 0.59
KUWD	LIC	218C3	Sundance	WY	37.77	63.6	11.5 26.27
KHOC.C	CP	273C	Casper	WY	210.64	213.8	164.5 46.14
KHOC	LIC	273C	Casper	WY	210.64	213.8	164.5 46.14

Proposed Reference Site: 6 km SW of City

CHANNEL 272A - VAC - SUBSTITUTE - PINE HAVEN, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 7
FEBRUARY 2004

**TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258**

REFERENCE	CLASS = A	DISPLAY DATES
43 49 57 N		DATA 02-12-04
104 13 08 W	Current Spacings	SEARCH 02-13-04
----- Channel 222 - 92.3 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT08A	222A	NewcastleKRKI	WY 0.00	0.0	114.5	
FT08C0	222C0	NewcastleKRKI	WY 37.84	83.6	214.5	Self
KQRQ	LIC 222C1	Rapid City	SD 82.04	71.0	199.5	-117.46 FT-09
FT05		222C1 Casper	WY 209.86	237.4	199.5	10.36
ALLO	VAC	223C1 Douglas	WY 146.86	208.8	132.5	14.36
ALLO	VAC	222C1 Kaycee	WY 226.29	260.5	199.5	26.79
KYDT	LIC	276C1 Sundance	WY 73.86	345.7	21.5	52.36
KLWD.C	CP	220C1 Gillette	WY 134.40	265.4	74.5	59.90
FT10		224C1 Douglas	WY 141.97	216.4	74.5	67.47

Substitute Ch. 258C1 for 222C1 at Rapid City, SD - using Lic reference site

**Proposed Reference Site: Using Class A Reference Point
From NPRM 03-258**

Lic Class A Site of KRKI

CHANNEL 222A - KRKI - SUBSTITUTE - NEWCASTLE, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 8-A
FEBRUARY 2004

TRACY BROADCASTING CORPORATION COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE	CLASS = C0	DISPLAY DATES
43 52 10 N	Current	DATA 02-12-04
103 45 04 W	Spacings	SEARCH 02-13-04
----- Channel 222 - 92.3 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT08C0	222C0	NewcastleKRKI	WY 0.00	0.0	269.5	
KQRQ	LIC 222C1	Rapid City	SD 45.86	60.9	258.5	-212.64 FT-09
FT08A	222A	NewcastleKRKI	WY 37.84	263.9	214.5	Self
ALLO	VAC 223C1	Douglas	WY 171.52	219.5	195.5	-23.98 FT-10
FT05	222C1	Casper	WY 259.37	242.0	258.5	0.87
ALLO	VAC 222C1	Kaycee	WY 264.09	261.3	258.5	5.59
RADD	ADD 222C	Miles City	MT 318.60	332.8	280.5	38.10
KCNEFM	LIC 220C2	Chadron	NE 131.99	152.6	88.5	43.49
KYDT	LIC 276C1	Sundance	WY 87.50	320.8	36.5	51.00
ALLO	VAC 224A	Wright	WY 138.64	269.0	85.5	53.14
KLWD	LIC 220A	Gillette	WY 142.90	287.0	85.5	57.40

Substitute Ch. 258C1 for 222C1 at Rapid City, SD - using Lic reference site

Substitute Ch. 224C1 for 223C1 at Douglas, WY - using new reference site

Proposed Reference Site: Using Class C0 Reference Point
From NPRM 03-258

Proposed C0 Site of KRKI

CHANNEL 222C0 - KRKI - SUBSTITUTE - NEWCASTLE, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 8-C
FEBRUARY 2004

TRACY BROADCASTING CORPORATION **COUNTERPROPOSAL - MB DOCKET 03-258**

REFERENCE	CLASS = C1	DISPLAY DATES
44 04 07 N		DATA 02-12-04
103 15 02 W	Current Spacings	SEARCH 02-13-04
----- Channel 258 - 99.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT09	258C1	Rapid CityKQRQ	SD 0.00	0.0	244.5	
ALLO	RSV 258C0	Newcastle	WY 45.86	241.2	258.5	-212.64 FT-08C MX
KRKI.A	APP 258C0	Newcastle	WY 45.86	241.2	258.5	-212.64
RADD	ADD 258C0	Newcastle	WY 45.86	241.2	258.5	-212.64
RDEL	DEL 258A	Newcastle	WY 82.04	251.6	199.5	-117.46 FT-08A MX
KRKI	LIC 258A	Newcastle	WY 82.04	251.6	199.5	-117.46
RDEL	DEL 259A	Pine Haven	WY 128.70	285.0	132.5	-3.80 FT-07 MX
ALLO	VAC 259A	Pine Haven	WY 128.70	285.0	132.5	-3.80
RADD	ADD 257C	Rosebud	SD 219.75	114.7	208.5	11.25
KOLYFM	LIC 258C1	Mobridge	SD 281.74	53.5	244.5	37.24
FT06	259A	Wright	WY 181.84	259.4	132.5	49.34
RADD	ADD 260A	Pine Haven	WY 128.70	285.0	74.5	54.20

Substitute Ch. 222A for 258A at New Castle, WY - using existing reference site
Substitute Ch. 222C0 for 258C0 at New Castle, WY - using existing reference site

Substitute Ch. 272A for 259A at New Castle, WY - using existing reference site
The currently pending proposal to use Ch. 260A is also compatible.

Proposed Reference Site: Using Lic Site of KQRQ
MX with NPRM 03-258

CHANNEL 258C1 - KQRQ - SUBSTITUTE - RAPID CITY, SD

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 9
FEBRUARY 2004

TRACY BROADCASTING CORPORATION **COUNTERPROPOSAL - MB DOCKET 03-258**

REFERENCE	CLASS = C1	DISPLAY DATES
42 48 00 N		DATA 02-12-04
105 15 00 W	Current Spacings	SEARCH 02-13-04
----- Channel 224 - 92.7 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT10		224C1 Douglas	WY 0.00	0.0	244.5	
ALLO	VAC	223C1 Douglas	WY 19.63	136.5	176.5	VAC
ALLO	VAC	224A Wright	WY 116.30	351.1	199.5	-83.20 FT-06
KMOR	LIC	225C Scottsbluff	NE 158.57	131.9	208.5	-49.93 FT-03
ALLO	VAC	224A Centennial	WY 175.93	200.8	199.5	-23.57 FT-04
KIQZ	LIC	224A Rawlins	WY 199.83	235.7	199.5	0.33
FT05		222C1 Casper	WY 92.56	270.1	81.5	11.06
FT03		225C2 WARREN AFB	WY 198.19	169.7	157.5	40.69
KLGT	LIC	225C1 Buffalo	WY 236.73	327.1	176.5	60.23
FT08A		222A NewcastleKRKI	WY 141.97	35.6	74.5	67.47

Substitute Ch. 259A for 224A at Wright, WY - using city reference site

Substitute Ch. 225C2 for 225C at Scottsbluff, NE - using new reference site

Substitute Ch. 228A for 224A at Centennial, WY - using city reference site

Proposed Reference Site: 13 km NE of City

This point is closer than existing reference point on 223C1

CHANNEL 224C1 - VAC - SUBSTITUTE - DOUGLAS, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 10
FEBRUARY 2004

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258

REFERENCE	CLASS = C1	DISPLAY DATES
43 42 37 N		DATA 02-12-04
106 38 18 W	Current Spacings	SEARCH 02-13-04
----- Channel 247 - 97.3 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
FT11	247C1	Kaycee	WY 0.00	0.0	244.5	
KDLY	LIC 248C1	Lander	WY 198.74	240.9	176.5	22.24
KMGW	LIC-N 244C2	Casper	WY 110.71	165.9	78.5	32.21
KAMLFM	LIC 245C1	Gillette	WY 115.83	54.9	81.5	34.33
ALLO	VAC 244A	Shoshoni	WY 130.26	246.5	74.5	55.76

Proposed Reference Site: Using City Reference Point

CHANNEL 247C1 - VAC - SUBSTITUTE - KAYCEE, WY

TRACY BROADCASTING CORPORATION
COUNTERPROPOSAL - MB DOCKET 03-258
NEW CASTLE & PINE HAVEN, WYOMING

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE 11
FEBRUARY 2004

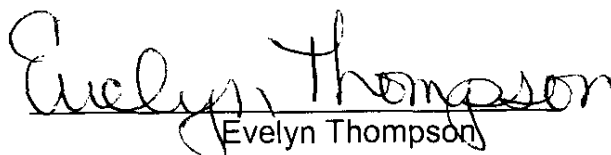
CERTIFICATE OF SERVICE

I, Evelyn Thompson, hereby certify that on this 17th day of February, 2004, I caused copies of the foregoing Counterproposal of Tracy Broadcasting Corporation to be placed in the United States Mail, First Class Postage Pre-Paid (or hand-delivered, as indicated below), addressed as follows:

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